



SUMMARY RECORD OF THE 14th MEETING

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The meeting was called to order at 10.40 a.m.

AGENDA ITEM 73: IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (A/34/411, A/34/3/Add.22, A/34/357, A/34/389 and Corr.1)

AGENDA ITEM 86: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/34/357, A/34/389 and Corr.1, A/34/499)

- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (continued) (A/34/18; A/C.3/34/L.6, L.7 and L.8)
- (b) STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/34/441; A/C.3/34/L.4)
- (c) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (continued) (A/34/442 and Corr.1 (English only); A/C.3/34/L.5)

1. Mr. MATELJAK (Yugoslavia) said that his delegation and other sponsors of draft resolution A/C.3/34/L.6 had held consultations with interested delegations in order to arrive at a generally acceptable text. Four more delegations had joined in sponsoring the draft, namely Cuba, Democratic Yemen, Panama and Somalia.

2. An amendment to paragraph 10, submitted by the Byelorussian delegation, had been accepted almost entirely; the amendment replaced the word "Endorses" by "Notes with due attention" and replaced the words "provide necessary assistance" by "explore the possibility of providing financial support".

3. The second French amendment to paragraph 8, replacing the word "including" by the words "as well as", had been accepted. The first French amendment to that paragraph, the purpose of which had been to avoid giving minorities a legal status, had not been accepted by the sponsors because the expression "national and ethnic minorities" was an established term in United Nations usage and appeared in all resolutions on the subject and in the work of the Commission on Human Rights. Similarly,, the sponsors had decided to delete the words "linguistic and other", to add the words "every person, group of persons or" between the words "protection of the rights of" and the word "national", to add the word "or" between the words "national" and "ethnic" and to add the phrase ", by preventing any acts and practice of racial discrimination" at the end of the paragraph, after the words "rights of migrant workers".

4. Certain amendments suggested with regard to paragraphs 4 and 7 had not been accepted because the sponsors had felt that they would almost completely change the substance of the paragraphs. Paragraph 6 was a routine paragraph which appeared in the relevant resolution adopted each year with the necessary changes to show the country whose report had been considered by the Committee on the Elimination of Racial Discrimination, in the present instance that of the Syrian Arab Republic. For that reason there was no reason to change or delete the paragraph.

(Mr. Mateljak, Yugoslavia)

5. Some delegations had expressed the opinion that the draft resolution contained controversial elements and had a political orientation. It should be realized that the struggle against racism and racial discrimination was political and if it was to be successful recourse must be had to political means. The sponsors did not agree with the view of one delegation that the Committee on the Elimination of Racial Discrimination had strayed into areas not within its competence. In the view of the sponsors the work of the Committee was completely in line with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

6. He hoped that the draft resolution would be accepted by consensus.

7. Mr. WIESNER (Austria) said that all delegations appreciated the work of the Committee on the Elimination of Racial Discrimination and that fact should be expressed in the draft resolution. He noted that the number of countries which had ratified or adhered to the International Convention on the Elimination of All Forms of Racial Discrimination had increased, which put an even greater workload on the already overburdened Committee on the Elimination of Racial Discrimination. He therefore felt that the Committee should not be given additional responsibilities.

8. Mr. EDIS (United Kingdom) said that his delegation had difficulty accepting the reasons given by the representative of Yugoslavia for the rejection by the sponsors of his delegation's amendments to paragraphs 4 and 7 of the draft resolution. So that members of the Committee could judge for themselves whether the amendments seriously affected the substance of the paragraphs, he read out the amendment to paragraph 4, which would have replaced the words "Commends the Committee for continuing to focus its attention on" by the words "Considering that the Committee should continue to pay appropriate attention, having regard to the provisions of the Convention, to", and the amendment to paragraph 7, which would have replaced the word "supply" by the words "consider supplying".

9. The amendments did not alter the substance of the paragraphs but merely placed them within the framework of the International Convention on the Elimination of All Forms of Racial Discrimination, which, like the Committee on the Elimination of Racial Discrimination, was of a legal and not a political nature. There were many States parties to the International Convention and draft resolution A/C.3/34/L.6 reflected the views of only a small number of them. Lastly, his delegation had reservations with regard to paragraph 6, in that it did not consider it appropriate for the Committee on the Elimination of Racial Discrimination to make political recommendations to the General Assembly; that was not within its mandate.

10. Mr. FAURIS (France) said that his delegation could accept the new wording of paragraph 8, which made a clear distinction between, on the one hand, the idea of national and ethnic majorities as legal entities, a status given them by the constitutions of some countries, and, on the other hand, persons or groups of persons which, owing to some special characteristic, constituted de facto but not de jure minority groups. Furthermore, the new wording made it clear that migrant workers were not to be considered national minorities and that the recommendations

(Mr. Fauris, France)

of the Committee on the Elimination of Racial Discrimination relating to migrant workers referred solely to racial discrimination, to which such workers might be subjected.

11. Mr. CAHANA (Israel) said with regard to paragraph 10 of draft resolution A/C.3/34/L.6 that his delegation took it for granted that in considering the possibility of holding meetings away from Geneva and New York the Committee on the Elimination of Racial Discrimination and the Secretary-General would not accept any suggestion to hold a meeting in a country which, for whatever reason, barred any State party to the International Convention on the Elimination of All Forms of Racial Discrimination from access to its Territory.

12. Mr. HEINEMANN (Netherlands) said that his delegation supported the amendment to draft resolution A/C.3/34/L.4 proposed by Ecuador and Uruguay in document A/C.3/34/L.7. His delegation urged States parties to the Convention to study the possibility of making the declaration provided for in article 14 of the Convention, which would give individuals the opportunity to address the Committee on the Elimination of Racial Discrimination. His delegation would even support a stronger wording, replacing the words "study the possibility of making" by the word "make".

13. Mr. NORDENFELT (Sweden) supported the statement made by the representative of the Netherlands with regard to the amendment in document A/C.3/34/L.7. The best guarantee of the implementation of the International Convention would be to enable individuals to bring complaints if they felt their rights had been violated.

14. Mr. VERKERCKE (Belgium) said that two delegations, Cuba and Venezuela, had joined the sponsors of draft resolution A/C.3/34/L.4. With regard to draft resolution A/C.3/34/L.6, he was on the whole in favour of the amendments read out by the representative of Yugoslavia but felt that the new formulation of the end of paragraph 8 was regrettable, since it was difficult to ask Governments to prevent individual acts. His delegation would favour the deletion of the words "acts and".

15. Mr. MATELJAK (Yugoslavia) requested that the meeting should be suspended for five minutes so that the sponsors of draft resolution A/C.3/34/L.6 could further consider the amendments proposed by the representative of the United Kingdom.

16. The CHAIRMAN suggested that before the meeting was suspended the other two draft resolutions might be discussed. In the meantime perhaps the sponsors of draft resolution A/C.3/34/L.6 could reach agreement on the proposed amendments, thus obviating the need for a suspension.

17. It was so decided.

18. Mr. PAPADEMAS (Secretary of the Committee) announced that the following delegations had become sponsors of draft resolution A/C.3/34/L.4: Barbados, Costa Rica, Cuba, Democratic Yemen, Jordan, Pakistan, Panama, Somalia, Syrian Arab Republic, Venezuela, Yemen and Yugoslavia.

19. At the request of the representative of Belgium, a vote was taken on the amendment in document A/C.3/34/L.7 to the draft resolution in document A/C.3/34/L.4.
20. The amendment in document A/C.3/34/L.7 was adopted by 60 votes to none, with 46 abstentions.
21. Draft resolution A/C.3/34/L.4, as amended, was adopted by consensus.
22. The CHAIRMAN invited members who so desired to explain their votes on draft resolution A/C.3/34/L.5 before it was put to the vote.
23. Mr. PAPADEMAS (Secretary of the Committee) announced that Angola, Democratic Yemen, Panama, Somalia and Yemen had joined the sponsors of draft resolution A/C.3/34/L.5.
24. Miss ANDERSON (Guyana) said that her delegation also wished to become a sponsor of that draft resolution.
25. The CHAIRMAN announced that the delegation of Nigeria had also joined the sponsors of draft resolution A/C.3/34/L.5.
26. Ms. PADUA (Portugal), speaking in explanation of vote, said that it was well known that her country strongly condemned the apartheid system. However, her delegation would not be able to support draft resolution A/C.3/34/L.5 because of the difficulties that the International Convention on the Suppression and Punishment of the Crime of Apartheid raised for her country's legal system. It would, moreover, abstain in any vote on any separate paragraph of that draft resolution.
27. Ms. LORANGER (Canada) recalled that despite her country's support for the purposes of the International Convention on the Suppression and Punishment of the Crime of Apartheid it had not acceded to that Convention because of a number of legal reservations.
28. With regard to draft resolution A/C.3/34/L.5, she said that while her delegation respected the Movement of Non-Aligned Countries, it must voice its strong objection to parts of the Final Declaration adopted at Havana, to which reference was made in the third preambular paragraph. Her delegation objected, in particular, to Canada being branded an imperialist State with respect to its relations with South Africa. That charge was untrue, gratuitous and even unhelpful to the cause of human rights.
29. Over the years, her country's opposition to the system of apartheid had been amply demonstrated. Her Government did not interfere with the private business activities of subsidiaries of Canadian-based companies still being conducted in South Africa owing to the following considerations: the relationship of government to business in her country; the dangers involved in attempting to extend a Government's legal jurisdiction beyond its own boundaries; and the fact that it was not clear whether it was to the benefit of blacks to encourage complete withdrawal

(Ms. Loranger, Canada)

from non-strategic, employment-intensive economic activity where conditions of work for blacks were in accordance with her country's Code of Conduct and were equal to conditions of work for whites, thus contributing to the erosion of apartheid. In any event, such business activity involving her country's firms, already minimal, was diminishing.

30. Her country's record of assistance in Africa as a whole was very positive. However, it was only with the political support of the citizens of Canada that her Government could continue to play a role in seeking a solution of the problems of southern Africa, and applying unjustified labels to Canada was no way to attract the support of Canadians. For those reasons, her delegation wished to call for a separate vote on the third preambular paragraph of draft resolution A/C.3/34/L.5 and would vote against it.

31. With respect to the fourth preambular paragraph of that draft resolution, her country's opposition to the introduction of extraneous political elements into the Decade for Action to Combat Racism and Racial Discrimination was well known, and her delegation could only express the hope that some means of returning to the conception of the Decade enunciated in General Assembly resolution 3057 (XXVIII) might eventually be found.

32. For all those reasons, her delegation would abstain in the vote on draft resolution A/C.3/34/L.5 as a whole.

33. At the request of the representative of Canada, a separate vote was taken on the third preambular paragraph of draft resolution A/C.3/34/L.5.

34. The paragraph was adopted by 83 votes to 11, with 24 abstentions.

35. At the request of the representative of Israel, a separate vote was taken on the fourth preambular paragraph of draft resolution A/C.3/34/L.5.

36. The paragraph was adopted by 85 votes to 20, with 12 abstentions.

37. Draft resolution A/C.3/34/L.5 as a whole, was adopted by 87 votes to none, with 30 abstentions.

38. The CHAIRMAN asked the representative of Yugoslavia if he still wished the meeting to be suspended so that the sponsors of draft resolution A/C.3/34/L.6 could discuss the amendments to that text.

39. Mr. MATELJAK (Yugoslavia) replied in the affirmative.

The meeting was suspended at 11.50 a.m. and resumed at 12 p.m.

40. The CHAIRMAN invited members of the Committee who so wished to explain their votes on draft resolution A/C.3/34/L.5.

41. Mr. HALFHUID (Suriname) said that although his delegation had voted in favour of draft resolution A/C.3/34/L.5 it wished to express a reservation with regard to the Declaration and the Programme for Action mentioned in the fourth preambular paragraph in so far as they contained or suggested an equation of racism and zionism.
42. Mr. O'DONOVAN (Ireland), speaking on behalf of the nine members of the European Economic Community, said that although they rejected the policy and practice of apartheid they had abstained in the vote on draft resolution A/C.3/34/L.5 because of their juridical objections to the International Convention on the Suppression and Punishment of the Crime of Apartheid. In particular, they had reservations against a State party passing judgements on acts that had been committed outside its jurisdiction by persons not its subjects. Moreover, the Convention defined the violations to which it referred very imprecisely. They also had serious doubts with regard to articles IX and X of the Convention, to which paragraphs 8, 9, 10 and 11 of the draft resolution were relevant.
43. They particularly wished to emphasize that the Convention was applicable only to States which had ratified it and to their respective subjects. Furthermore, any measures advocated under its terms were purely a matter for consideration by the parties to it.
44. They had voted against the fourth preambular paragraph of the draft resolution because they had dissociated themselves from the Declaration and the Programme of Action of the World Conference to Combat Racism and Racial Discrimination.
45. The reservations which he had expressed related not to the objectives of the Convention but only to the methods of achieving those objectives for which it provided. In the view of the nine members of the Community, the Convention did not make a useful contribution to the efforts of the international community to put an end to apartheid.
46. Mr. CABRERA (Spain) said that his country firmly condemned the policy of apartheid, but his delegation had abstained in the vote on draft resolution A/C.3/34/L.5 because of the legal problems that Spain still had with regard to the International Convention on the Suppression and Punishment of the Crime of Apartheid. Its abstention in the separate votes on the third and fourth preambular paragraphs of that draft resolution must be seen in the context of its abstention in the vote on the draft resolution as a whole.
47. Mr. BERGTHUN (Norway) said that, since the position stated by his country in 1973 with regard to the International Convention on the Suppression and Punishment of the Crime of Apartheid remained unchanged, his delegation had abstained in the vote on the draft resolution before the Committee.
48. It would be more appropriate if the international community concentrated its efforts on securing increased support for, and implementation of, existing international instruments in that field, particularly the International Convention on the Elimination of All Forms of Racial Discrimination.

(Mr. Bergthun, Norway)

49. His delegation had voted against the third and fourth preambular paragraphs of the draft resolution because the documents mentioned in those paragraphs were unacceptable to his Government.

50. Mrs. DINCMEN (Turkey) said that her delegation had voted in favour of the draft resolution in conformity with its stand against racism, racial discrimination and apartheid. However, she wished to stress once again that the International Convention on the Suppression and Punishment of the Crime of Apartheid posed serious legal difficulties for her country.

51. Her delegation had also voted in favour of the fourth preambular paragraph of the draft resolution, but that affirmative vote was subject to the reservation expressed by her country's delegation during the World Conference to Combat Racism and Racial Discrimination.

52. Mr. CARDWELL (United States of America) said that, in error, his delegation had abstained in the vote on the fourth preambular paragraph of the draft resolution. It had been its intention not to participate in the vote. The error would be corrected in the plenary Assembly.

53. His delegation had abstained in the vote on draft resolution A/C.3/34/L.5 as a whole because his country had attended neither the Sixth Conference of Heads of State or Government of Non-Aligned Countries nor the World Conference to Combat Racism and Racial Discrimination, whose declarations were approved in the third and fourth preambular paragraphs. Moreover, since his country did not plan to accede to the Convention it could not join in urging other States to do so. His country also rejected the use of the language of Chapter VII of the Charter in the sixth preambular paragraph. Lastly, it felt that implementation of paragraph 9 would result in further politicization of the specialized agencies.

54. Mrs. de ROSENHOUSE (Guatemala) said that her delegation wished to reaffirm its condemnation of the crime of apartheid. However, since it could not support the third and fourth preambular paragraphs it had been obliged to abstain in the vote on the draft resolution as a whole.

55. Mr. SABUSHIMIKE (Burundi) said that his delegation had been absent during the vote on the draft resolution before the Committee but would vote in favour of it in the plenary Assembly.

56. Mr. KATAPODIS (Greece) said that his delegation had voted in favour of the draft resolution. However, had paragraphs 6-12 been put to a separate vote it would have abstained because of legal considerations.

57. Mrs. AKAMATSU (Japan) said that, although her Government had consistently opposed the policy of apartheid in South Africa, her delegation had been unable to vote in favour of draft resolution A/C.34/L.5 because the International Convention on the Suppression and Punishment of the Crime of Apartheid reflected legally ambiguous concepts. Her delegation also had difficulty in accepting the third preambular paragraph of the draft resolution.

/...

58. Ms. FAWTHORPE (New Zealand) said that her delegation had abstained in the vote on draft resolution A/C.3/34/L.5 for the same reasons which had dictated its abstention in the vote on General Assembly resolution 33/103. New Zealand had serious difficulties, which were essentially legal in nature, in accepting the International Convention on the Suppression and Punishment for the Crime of Apartheid and it had therefore been unable to ratify the Convention. Thus her delegation had voted against the fourth preambular paragraph. Her delegation shared the reservations expressed by other delegations on the third preambular paragraph because it referred to the Final Declaration of a Conference in which her country had not taken part and that document contained several passages which her Government could not support. It had therefore abstained in the vote on that paragraph.

59. Mr. GAGLIARDI (Brazil) said that his delegation had voted in favour of the fourth preambular paragraph of draft resolution A/C.3/34/L.5; nevertheless, it maintained its position regarding specific points in the Declaration and the Programme for Action, a position which was reflected in the report of the World Conference and the Report of the Secretary-General (A/33/262), as well as in his delegation's statement during the previous year's discussion in the Committee, which was summarized in document A/C.3/33/SR.25.

60. Mr. KAMBIA (Togo) said that his country's position was well known; however, because of a technical error, it had voted in favour of the fourth preambular paragraph of draft resolution A/C.3/34/L.5 instead of abstaining on it. It would correct that mistake in the plenary Assembly.

61. Mrs. VARGAS CHACON (Costa Rica) said that if her delegation had been present during the voting on draft resolutions A/C.3/34/L.4 and A/C.3/34/L.5 it would have voted in favour of both of them; it would, however, have abstained in the vote on the fourth preambular paragraph of draft resolution A/C.3/34/L.5.

62. Mr. ERRAZURIZ (Chile) said that although Chile was in sympathy with the moral purposes of the International Convention on the Suppression and Punishment of the Crime of Apartheid, it had been unable to accede to it because the text was incompatible with its internal legislation. His delegation had therefore been unable to vote in favour of draft resolution A/C.3/34/L.5 as a whole. It had been unable to support the third preambular paragraph of that draft resolution because there were some paragraphs in the Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries which were incompatible with Chile's position.

63. Ms. WELLS (Australia) said that, as was well known, her delegation regularly abstained in votes on resolutions concerned with the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid because certain legal and constitutional problems prevented Australia from becoming a party to the Convention; that situation did not affect Australia's commitment to the eradication of apartheid.

64. Mr. DJIGO (Senegal) said that if his delegation had been present during the voting it would have voted in favour of both the draft resolutions.

65. Mr. MATELJAK (Yugoslavia) said that the sponsors of draft resolution A/C.3/34/L.6 were unable to accept the amendments proposed by the representative of the United Kingdom because they would substantially change the meaning of the paragraphs concerned. On the basis of the suggestion made by the representative of Belgium, the sponsors had decided that the words "any acts and practice" which they had intended to add at the end of paragraph 8 should be changed to "all practice". The words "explore the possibility of providing financial support" in the Byelorussian amendment to paragraph 10 would be replaced by "explore the possibility of providing necessary assistance", and the phrase "and submit a report in this regard to its thirty-fifth session" would be added at the end of the paragraph.

66. Mr. EDIS (United Kingdom) requested a vote on his delegation's amendments.

67. Mr. PAPADEMAS (Secretary of the Committee) said that the financial implications of draft resolution A/C.3/34/L.6 were to be found in document A/C.3/34/L.8. Under the revised text of paragraph 10 of draft resolution A/C.3/34/L.6, the General Assembly would request the Secretary-General to explore the possibility of providing financial support for the holding of meetings of the Committee on the Elimination of Racial Discrimination in developing countries. The statement submitted by the Secretary-General in document A/C.3/34/L.8 remained valid with respect to the utilization of resources of the regular budget of the United Nations. The Secretary-General, however, would be prepared to explore, in consultation with the States Parties to the Convention, other means of providing financial support for holding meetings of the Committee on the Elimination of Racial Discrimination in developing countries.

68. He announced that Cuba, Democratic Yemen, Pakistan, Panama and Somalia had become sponsors of draft resolution A/C.3/34/L.6.

69. Ms. RICHTER (Argentina) said that she hoped her delegation's request for information on the administrative and budgetary provisions envisaged by the Secretariat for the biennium 1980-1981 would be met before the Committee completed its consideration of items 73 and 86 of the agenda. Until it received that information, it would be unable to accept either document A/C.3/34/L.8 or the explanation by the Secretary of the Committee.

70. Mr. NORDENFELT (Sweden) proposed that in paragraph 4 of draft resolution A/C.3/34/L.6 the words "within its mandate" should be added after the words "focus its attention".

The meeting was suspended at 12:45 p.m. and resumed at 12:50 p.m.

71. Mr. MATELJAK (Yugoslavia) said that the sponsors of draft resolution A/C.3/34/L.6 could agree to add the words "as is within its mandate" at the end of paragraph 4.

72. Mr. NORDENFELT (Sweden) said that if that phrase meant "to the extent that it fell within its mandate" it was acceptable.

73. Mr. EDIS (United Kingdom) said that his delegation could accept the amendment as interpreted by the representative of Sweden, but felt that it was ambiguous in English. He suggested that the matter should be considered further at the afternoon meeting.

The meeting rose at 1.05 p.m.